

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA

v.

THOMAS HOWARD PRICE, JR.

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DOCKET NO. 3:96CR31-MU

ORDER

THIS MATTER comes before the Court on the Government's Motion For Reconsideration of the Court's amendment of the judgement in this case on June 26, 2007, which amendment reduced the defendant's sentence from 60 months to 51 months. On May 23, 2007, the defendant filed his "Nunc Pro Tunc Motion to Amend Judgement and Commitment Order," requesting that his prison sentence in the instant case be credited with approximately nine months he spent in the Mecklenburg County Jail. The defendant claimed that he was denied such credit on the state prison sentence he was then serving. The Court granted the defendant's motion on June 15, 2007, but has since learned (1) that it did not have jurisdiction to consider the defendant's motion since he was incarcerated in the District of South Carolina and (2) even if it did have jurisdiction, contrary to his Motion, the defendant did in fact receive credit on his state sentence for the time he spent in the Mecklenburg County jail.

WHEREFORE, for good cause shown, the Court hereby reconsiders its prior ruling and grants the Government's Motion for Reconsideration. The Court directs that the Clerk of Court enter a Second Amended Judgment in this case reinstating the original judgement in all respects, including the sentence of 60 months imprisonment.

SO ORDERED

Signed: September 19, 2007



Graham C. Mullen
United States District Judge

